

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Case No. 4:25-CV-00022-M-RN

ANDREW MORRISON,

Plaintiff,

v.

DEPARTMENT OF THE NAVY,
et al.,

Defendants.

ORDER

This matter comes before the court on the memorandum and recommendation (the “Recommendation”) entered by Magistrate Judge Robert T. Numbers, II in this case on February 10, 2025 [DE 6]. In the Recommendation, Judge Numbers recommends that the court dismiss Plaintiff’s Complaint without prejudice due to lack of subject-matter jurisdiction. DE 6 at 4-5. The Recommendation, along with instructions and a deadline for filing objections, was served on the Plaintiff on February 10. *See id.* at 5. Plaintiff filed several exhibits after the Recommendation was issued but did not object to the Recommendation. *See* DE 7; DE 8; DE 9.¹


A magistrate judge’s recommendation carries no presumptive weight. *See United States ex rel. Wheeler v. Acadia Healthcare Co., Inc.*, 127 F.4th 472, 486 (4th Cir. 2025). The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). “The Federal Magistrates Act only requires district courts to ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection

¹ To the extent these documents are properly before the court, they have no bearing on the Recommendation.

is made.’’ *Osmon v. United States*, 66 F.4th 144, 146 (4th Cir. 2023) (quoting 28 U.S.C. § 636(b)(1)). And “a party’s objection to a magistrate judge’s report [must] be specific and particularized.” *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007). This is a low bar, particularly when the plaintiff is pro se. *Elijah v. Dunbar*, 66 F.4th 454, 460 (4th Cir. 2023); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). But absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Numbers [DE 6] as its own. For the reasons stated therein, Plaintiff’s Complaint [DE 1] is DISMISSED WITHOUT PREJUDICE.

SO ORDERED this 19th day of March, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE